

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF WEST VIRGINIA
WHEELING

UNITED STATES OF AMERICA,

Plaintiff,

v.

CRIMINAL NO. 5:18-CR-14-7
(Judge Bailey)

ROBERT L. GREGORY,

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATION
DENYING DEFENDANT'S MOTION TO SUPPRESS

Pending before this Court is the Report and Recommendation [Doc. 165] issued by Magistrate Judge James P. Mazzone on September 24, 2018. This Court, having reviewed Defendant Gregory's Motion to Suppress [Doc. 122], the Report and Recommendation [Doc. 165], and the unofficial transcript of the evidentiary hearing, does hereby **ADOPT** the Report and Recommendation.

Pursuant to 28 U.S.C. § 636(b)(1)(c), this Court is required to make a *de novo* review of those portions of the magistrate judge's findings to which objection is made. However, the Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. ***Thomas v. Arn***, 474 U.S. 140, 150 (1985). In addition, failure to file timely objections constitutes a waiver of *de novo* review and the right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); ***Snyder v.***

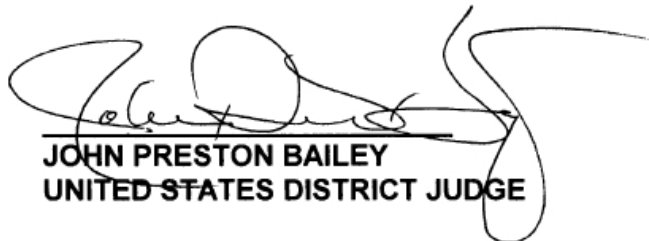
Ridenour, 889 F.2d 1363, 1366 (4th Cir. 1989); **United States v. Schronce**, 727 F.2d 91, 94 (4th Cir. 1984). Here, objections to Magistrate Judge Mazzone's R&R were due within fourteen (14) days of receipt, pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b). The defendant is represented by counsel, so service was made on the date of filing, September 24, 2018. As such, any objections were due by Monday, October 8, 2018. No objections have been filed. Accordingly, such portions to which objections were made will be reviewed for clear error.

Upon careful consideration of the above, this Court **ADOPTS** the Report and Recommendation of the Magistrate Judge **[Doc. 165]**. Accordingly, the defendant's Motion to Suppress **[Doc. 122]** is **DENIED** with respect to defendant's argument that the search warrant for 186 S. Front Street, Columbus, Ohio was invalid, and with respect to defendant's argument that evidence of wire communications must be suppressed. This Court will determine the remaining trial issues at the appropriate time.

It is so **ORDERED**.

The Clerk is directed to transmit certified copies of this Order to all counsel of record herein.

DATED: October 11, 2018.



JOHN PRESTON BAILEY
UNITED STATES DISTRICT JUDGE